

Appl. No. : 10/032,149  
Filed : December 20, 2001

### REMARKS

This is responsive to the Examiner's Office Action mailed August 13, 2003. Claims 1-39 are pending in this application. The Examiner rejected Claims 36-38 due to an informality. The Examiner rejected Claims 1-5 and 8-39 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,446,223 to Morishita et al. (the "Morishita patent"). The Examiner rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over the Morishita patent in view of U.S. Patent No. 5,751,947 to Arakawa (the "Arakawa patent"). The Examiner also rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the Morishita patent in view of U.S. Patent No. 5,541,846 to Secrest (the "Secrest patent").

During the interview, the Examiner and Applicant discussed how the invention tracks the quantity of spares locations available in multiple memory cards and how this distinguishes the invention from the cited prior art. Thus, it is believed that amended Claims 1-39 are patentably distinguished over the cited references and Applicant respectfully requests allowance of Claims 1-39

### **OBJECTIONS TO CLAIMS 36-38**

The Examiner objected to Claims 36-38 for formalistic reasons. Applicant has amended Claim 35 to clarify that it relates to a method. Thus, Claims 36-38 correctly refer to the method of Claim 35.

### **REJECTION OF CLAIMS 1-5 and 8-39 UNDER 35 U.S.C. § 102(e)**

The Examiner rejected Claims 1-5 and 8-39 under 35 U.S.C. § 102(e) as being anticipated by the Morishita patent.

### **Independent Claims 1, 2, 9, 16, 22, 28, 35 and 39**

Applicants have amended Claims 1, 2, 9, 16, 22, 28, 35 and 39 along the lines discussed in the interview. Applicant therefore respectfully submits that Claims 1, 2, 9, 16, 22, 28, 35 and 39 are patentably distinguished over the cited references and Applicant respectfully requests allowance of Claims 1, 2, 9, 16, 22, 28, 35 and 39.

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**Dependent Claims 3-5, 8, 10-15, 17-21, 23-27, 29-34, and 36-38**

Claims 3-5, 8, 10-15, 17-21, 23-27, 29-34, and 36-38 which depend from Claims 2, 9, 16, 22, 28, 35 and 39, are believed to be patentable for the same reasons as Claims 2, 9, 16, 22, 28, 35 and 39, and because of the additional features recited therein.

**REJECTION OF CLAIM 6 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over the Morishita patent in view of the Arakawa patent.

Claim 6 which depends from Claim 2 is believed to be patentable for the same reasons as Claim 2 and because of the additional features recited therein.

**REJECTION OF CLAIM 7 UNDER 35 U.S.C. § 103(a)**

The Examiner also rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the Morishita patent in view of the Secrest patent.

Claim 7 which depends from Claim 2 is believed to be patentable for the same reasons as Claim 2 and because of the additional features recited therein.

**REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner if any additional issues need resolving. Applicant's attorney can be reached at (949) 721-2998 or at the number listed below.

**CONCLUSION**

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

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Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/12/03

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